



PATENT

Customer No. 22,852

Attorney Docket No. 08011.3010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John DeMAYO et al.) Group Art Unit: 3622
Application No.: 09/711,261) Examiner: CHAMPAGNE, Donald
Filed: November 10, 2000)
For: APPARATUS AND METHOD FOR) Confirmation No.: 6688
HYPERLINKING SPECIFIC WORDS)
IN CONTENT TO TURN THE)
WORDS INTO ADVERTISEMENTS)

Attention: Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed February 8, 2006, and further to Board Rule 41.37, Appellants present this brief and encloses herewith a check for the fee of \$500.00 required under 37 C.F.R. § 1.17(c). This Appeal Brief is being timely filed on or before one month from the March 23, 2006 mailing date of a "Notice of Panel Decision from Pre-Appeal Brief Review," which indicated that the above-identified application remained under appeal.

This Appeal responds to the Final Office Action mailed October 5, 2005, which finally rejected claims 1-32.

If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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I. Real Party in Interest

The real party in interest is Advertising.com, the assignee of record, which is a subsidiary of America Online, Inc., which is a subsidiary of Time Warner, Inc.

II. Related Appeals and Interferences

There are currently no other appeals or interferences, of which appellant, appellant's legal representative, or assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

In the Advisory Action mailed January 17, 2006, the Examiner withdrew the rejection of claims 1-30 under 35 U.S.C. § 112, second paragraph, and entered the proposed amendments submitted in the Amendment After Final of January 5, 2006.

However, claims 1, 2, 4-6, 9, 10, 12, 13, 21, 24, and 31 remain finally rejected under 35 U.S.C. § 102(e) as being anticipated by Bull et al. (U.S. Patent No. 5,995,943); claims 3, 7, 11, 14, 15, 22, and 25 remain finally rejected under 35 U.S.C. § 103(a) as being obvious over Bull; claims 8, 16, 23, and 26 remain finally rejected under 35 U.S.C. § 103(a) as being obvious over Bull in view of Kirsch et al. (U.S. Patent No. 6,189,030); claims 17-19, 27-29, and 31 remain finally rejected under 35 U.S.C. § 103(a) as being obvious over Bull in view of Murray (U.S. Patent No. 6,061,659); and claims 19, 20, 29, 30, and 32 remain finally rejected under 35 U.S.C. § 103(a) as obvious over Bull in view of Murray and further in view of Kirsch.

The final rejections of claims 1-32 are being appealed and a list of the claims on appeal is found in the attached Claims Appendix.

Furthermore, each claim of this patent application is separately patentable, and upon issuance of a patent will be entitled to a separate presumption of validity under 35 U.S.C. § 282.

IV. Status of Amendments

All claim amendments have been entered.

V. Summary of Claimed Subject Matter

Independent claim 1 recites an apparatus for hyperlinking specific words in content to convert the words into advertisements. The apparatus includes an Internet-enabled web browsing device, including a terminal for connection to the Internet. The apparatus also includes a content provider server having content files to be displayed on web browsers. The content provider server is connected to the Internet. Furthermore, the apparatus includes an advertiser web page accessible over the Internet and an ad server connected to the Internet. The ad server provides means for providing a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking the at least one advertiser-chosen word to the advertiser web page. See specification at least at page 7, line 3 through page 10, line 2; see also FIGs. 1, 3-5 and 5A.

The subject matter of claim 1 is described in the specification at least at page 5, line 17 through page 10, line 2.

Independent claim 9 recites a method for hyperlinking specific words in content to convert the words into advertisements. A content provider server is connected to the Internet. The content provider server includes content files to be displayed via web browsers. An advertiser web page is provided that is accessible over the Internet. An ad server is connected to the Internet. The ad server provides a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking an Internet-enabled web browsing device connected to the Internet to the advertiser web page.

The subject matter of claim 9 is described in the specification at least at page 5, line 17 through page 10, line 2.

Independent claim 17 recites a method for advertising by hyperlinking specific words in content to convert the words into advertisements. The HTML coding of content for an Internet-displayed file is altered to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the content into an advertisement by linking the at least one advertiser-chosen word to an advertiser web page. Compensation is also received from the advertiser.

The subject matter of claim 17 is described in the specification at least at page 5, line 17 through page 10, line 2.

Independent claim 21 recites an apparatus for hyperlinking specific words displayed in an application to convert the words into advertisements. The apparatus includes an Internet-enabled device, including a terminal for connection to the Internet. The apparatus also includes an HTTP-enabled software application operating on the device, a source for text-containing files to be viewed in the software application and an advertiser file accessible over the Internet. Furthermore, the apparatus includes an ad server connected to the Internet. The ad server provides means for providing a hypertext anchor to convert at least one existing advertiser chosen word present in the text-containing file into an advertisement by linking the at least one advertiser-chosen word to the advertiser file. See specification at least at page 7, line 3 through page 10, line 2; see also FIGs. 1, 3-5 and 5A.

The subject matter of claim 21 is described in the specification at least at page 5, line 17 through page 10, line 2.

Independent claim 24 recites a method for hyperlinking specific words in text-containing files to convert the words into advertisements. An Internet-enabled device is provided with an HTTP-enabled software application. The text-containing file to be viewed by the software application and an advertiser file that is accessible over the Internet are also provided. An ad server is connected to the Internet. The ad server provides a hypertext anchor to convert at least one existing advertiser-chosen word present in the text-containing file into an advertisement by linking the Internet-enabled device to the advertiser file.

The subject matter of claim 24 is described in the specification at least at page 5, line 17 through page 10, line 2.

Independent claim 27 recites a method for advertising by hyperlinking specific words in documents to convert the words into advertisements. A document is viewed with a software application. The document file with software is altered to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the document file into an advertisement by linking the at least one advertiser-chosen word to an advertiser document. Compensation is received from the advertiser.

The subject matter of claim 27 is described in the specification at least at page 5, line 17 through page 10, line 2.

Independent claim 31 recites a method of advertising by hyperlinking a specific word in content to convert the word into an advertisement. A hypertext anchor is provided to turn an advertiser-chosen word in a content file into a hyperlink that links the advertiser-chosen word to an advertiser web page. A description of the advertiser web page is displayed when a mouse pointer is positioned over the hyperlink.

The subject matter of claim 31 is described in the specification at least at page 4, line 11 through page 10, line 2.

VI. Grounds of Rejection

- A. Claims 1, 2, 4-6, 9, 10, 12, 13, 21, 24, and 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bull et al. (U.S. Patent No. 5,995,943).
- B. Claims 3, 7, 11, 14, 15, 22, and 25 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bull.
- C. Claims 8, 16, 23, and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bull in view of Kirsch et al. (U.S. Patent No. 6,189,030).
- D. Claims 17-19, 27-29, and 31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bull in view of Murray (U.S. Patent No. 6,061,659).
- E. Claims 19, 20, 29, 30, and 32 stand rejected under 35 U.S.C. § 103(a) as obvious over Bull in view of Murray and further in view of Kirsch.

VII. Argument

A. The Board Should Reverse the Rejection of Claims 1, 2, 4-6, 9, 10, 12, 13, 21, 24, and 31 Under § 102(e) Because the Applied Reference Does Not Anticipate the Claims

Appellants respectfully traverse the Examiner's rejection of claims 1, 2, 4-6, 9, 10, 12, 13, 21, 24, and 31 under 35 U.S.C. § 102(e) as being anticipated by Bull et al. (U.S. Patent No. 5,995,943). In order to properly anticipate Appellants' claimed invention, the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, *quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131.

Claim 1 recites an apparatus for hyperlinking specific words in content to turn the words into advertisements including, among other things, "means for providing a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page" (emphasis added). Bull does not teach at least this element of claim 1.

In the Final Office Action, the Examiner contends the "chosen word(s) present in a context file, *Holiday Inns on the West Coast*, are taught at col. 15, lines 39-42" of Bull (emphasis in original). See page 4. Appellants disagree that Bull teaches "convert[ing] at least one existing advertiser-chosen word present in a content file into an

advertisement,” as recited in claim 1. Instead, Appellants note that col. 15, lines 39-42 of Bull states:

As an example, if the user accesses web pages for “Holiday Inns on the West Coast”, the insertion mechanism would be established to automatically insert ads for “Hilton Inns on the West Coast.”

Therefore, Bull teaches that pre-prepared ads for “Hilton Inns on the West Coast” are inserted into a web page after it is determined that a user has accessed a web page for “Holiday Inns on the West Coast.” However, this teaching of Bull does not constitute a conversion of an existing word in a content file into an advertisement. Rather, according to Bull, an “ad is inserted based on the content of the existing web page being read” and is inserted as a new piece of information (emphasis added).

For example, Fig. 6 of Bull shows an arrow labeled “GET AD TO INSERT,” indicating that the ad is retrieved from advertising database 250. After retrieving the ad, the Bull system will then “cause an advertisement/coupon to be added into the display” (emphasis added). See col. 12, lines 15-16. While Bull teaches that new page content in the form of an ad is added to the display, that teaching does not constitute converting an existing word in the content file into an advertisement. According to Appellants’ claimed invention, the word, which is already existing in the content file, is altered so that it becomes a hyperlink. Thus, Bull does not teach at least the claimed “means for providing a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page,” as recited in claim 1 (emphasis added).

Since the Examiner has not pointed to any teaching in Bull that discloses “means for providing a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page,” as recited in claim 1, the rejection of claim 1 under 35 U.S.C. § 102(e) is improper for at least this reason. Therefore, the Board should reverse the rejection of claim 1 and the rejection of claims 2 and 4-6, which depend from claim 1.

The Examiner rejected independent claims 9, 21, and 24 under the same reasoning as claim 1. These claims, while of a different scope, include recitations similar to allowable claim 1. Accordingly, the Board should reverse the rejection of claims 9, 21, and 24 for at least the reasons given above with respect to claim 1. Furthermore, the Board should reverse the rejection of dependent claims 10 and 12-13, which depend from independent claim 9.

Independent claim 31 recites a method including, among other steps, “displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink.” Bull does not teach at least this element of claim 31.

In the Final Office Action, the Examiner admits “Bull et al. does not explicitly teach (independent claim 31) displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink” (emphasis in original). See page 4. The Examiner then alleges that principles of inherency make up for this admitted deficiency of Bull. Appellants disagree.

MPEP § 2112.02 explains that, “[u]nder the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method

claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process.” See MPEP § 2112.02, citing *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986). The Examiner cites a portion of Bull that “teaches clicking on a URL ... to access a Web page.” See Office Action, page 4. As a result of this teaching, the Examiner alleges that “[t]he mouse pointer must inherently be positioned over the URL link in order to activate said link by clicking on it.”

However, positioning a mouse pointer over a URL link in order to click on the link does not constitute “displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink,” as recited in claim 31 (emphasis added). Appellants assert that the principles of inherency do not apply in the present instance, because nothing in Bull indicates that it would “necessarily perform the method claimed,” as required by MPEP § 2112.02. Instead, Bull only discloses clicking a URL, but does not teach “displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink,” as recited in claim 31 (emphasis added). Accordingly, the Examiner has not shown that Bull anticipates all of the elements of claim 31. Therefore, the Board should reverse the rejection of claim 31.

B. The Board Should Reverse the Rejection of claims 3, 7, 11, 14, 15, 22, and 25 under § 103(a) Because A Prima Facie Case of Obviousness Has Not Been Established

Appellants respectfully traverse the rejection of claims 3, 7, 11, 14, 15, 22, and 25 under 35 U.S.C. § 103(a) as obvious over Bull. To establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See M.P.E.P. § 2143.01 (8th ed. 2001). Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02 (8th ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. See M.P.E.P. § 2143 (8th ed. 2001).

Claims 3 and 7 depend from claim 1; claims 11, 14, and 15 depend from claim 9; claim 22 depends from claim 21; and claim 25 depends from claim 24. As discussed above, Bull does not teach every element of independent claims 1, 9, 21, and 24. Accordingly, Bull does not disclose or suggest all elements of claims 3, 7, 11, 14, 15, 22, and 25, at least due to their dependence from allowable claims. Therefore, the Board should withdraw the rejection at least for the reasons given above.

C. The Board Should Reverse the Rejection of claims 8, 16, 23, and 26 under § 103(a) Because A Prima Facie Case of Obviousness Has Not Been Established

Appellants respectfully traverse the rejection of claims 8, 16, 23, and 26 under 35 U.S.C. § 103(a) as being obvious over Bull in view of Kirsch. Claim 8 depends from claim 1, claim 16 depends from claim 9, claim 23 depend from claim 21, and claim 26 depends from claim 24. As discussed above, Bull fails to teach or suggest every element of claims 1, 9, 21, and 24 and their dependent claims. Furthermore, Kirsch does not compensate for the shortcomings of Bull.

The Examiner applies Kirsch, alleging that Kirsch discloses “linking to said advertiser web page ... using a tracking server system.” See Final Office Action, page 5. Even if this allegation were true, which Appellants do not concede, Kirsch does not disclose or suggest at least “providing a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page,” as recited in claim 1, for example. For at least these reasons, the references fail to teach or suggest all of the elements of claims 8, 16, 23, and 26. Therefore, a *prima facie* case of obviousness has not been established and the Board should withdraw the section 103 rejections of these claims.

D. The Board Should Reverse the Rejection of claims 17-19, 27-29, and 31 under § 103(a) Because A Prima Facie Case of Obviousness Has Not Been Established

Appellants respectfully traverse the rejection of claims 17-19,¹ 27-29, and 31² under 35 U.S.C. § 103(a) as being obvious over Bull in view of Murray. Independent claim 17 recites “altering the HTML coding of content for an Internet-displayed file to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the content into an advertisement by linking said at least one advertiser-chosen word to an advertiser web page.” Independent claim 27 recites “altering the document file with software to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the document file into an advertisement by linking said at least one advertiser-chosen word to an advertiser document.” Independent claim 31 recites “displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink.” As discussed above, Bull does not disclose or suggest at least these elements.

Furthermore, Murray does not make up for the deficiencies of Bull. Murray instead discloses a system that uses HTML documents to provide content through a browser using pre-defined HTML tags. See col. 5, lines 14-16; col. 6, lines 32-39. Since Murray does not disclose or suggest “altering the HTML coding of content for an Internet-displayed file to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the content into an advertisement by linking said at least one advertiser-chosen word to an advertiser web page,” as recited in claim 17,

¹ The Examiner's inclusion of claim 19 in this rejection appears to have been made in error as the claim is not addressed in this rejection.

² The Examiner's inclusion of claim 31 in this rejection appears to have been made in error as the claim is not addressed in this rejection.

“altering the document file with software to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the document file into an advertisement by linking said at least one advertiser-chosen word to an advertiser document,” as recited claim 27, or “displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink,” as recited in claim 31, a *prima facie* case of obviousness has not been established with respect to claims 17, 27, and 31. Accordingly, the Board should reverse the rejection of claims 17, 27, and 31, and dependent claims 18-19 and 28-29, which depend from claims 17 and 27, respectively.

E. The Board Should Reverse the Rejection of claims 19, 20, 29, 30, and 32 under § 103(a) Because A Prima Facie Case of Obviousness Has Not Been Established

Appellants respectfully traverse the rejection of claims 19, 20, 29, 30, and 32 under 35 U.S.C. § 103(a) as obvious over Bull in view of Murray and further in view of Kirsch. Claims 19 and 20 depend from independent claim 17. Claims 29 and 30 depend from independent claim 27. Claim 32 depends from independent claim 31. As discussed above, Bull in view of Murray does not disclose or suggest all elements of claims 17, 27, and 31. Nor does Kirsch make up for the deficiencies of Bull and Murray. Accordingly, claims 19, 20, 29, 30, and 32 are allowable at least due to their dependence. Therefore, the Board should also reverse the rejection of claims 19, 20, 29, 30, and 32 under 35 U.S.C. § 103(a).

Conclusion

For at least the reasons given above, pending claims 1-32 are allowable. Therefore, Appellants respectfully request the Board to reverse the Examiner's rejections.

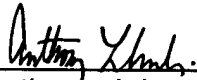
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 6, 2006

By: _____


Anthony J. Lombardi
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VIII. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. An apparatus for hyperlinking specific words in content to convert the words into advertisements, comprising:

an Internet-enabled web browsing device, including a terminal for connection to the Internet;

a content provider server having content files to be displayed on web browsers, said content provider server being connected to the Internet;

an advertiser web page accessible over the Internet; and

an ad server connected to the Internet, wherein the ad server provides means for providing a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking said at least one advertiser-chosen word to said advertiser web page.

2. The apparatus of claim 1, wherein said means for providing a hypertext anchor to an advertiser-chosen word in said content file is an altered version of said content file uploaded over said content file on said content provider server, said altered version being identical to said content file with the exception of HTML coding to provide said hypertext anchor.

3. The apparatus of claim 1, wherein said means for providing a hypertext anchor to an advertiser-chosen word in said content file is a script to be run on said

content provider server to overwrite the existing HTML of said content file with altered HTML including coding to provide said hypertext anchor.

4. The apparatus of claim 1, wherein said means for providing a hypertext anchor to an advertiser-chosen word in said content file is a means associated with said ad server to determine which words to hyperlink when referenced by coding in said content file.

5. The apparatus of claim 4, wherein said means associated with said ad server to determine which words to hyperlink when referenced by coding in said content file comprises:

decisioning logic; and

a database associating an advertiser-chosen word with a destination URL pointing to said advertiser web page.

6. The apparatus of claim 1, wherein said means for providing a hypertext anchor to an advertiser-chosen word in said content file is an altered version of said content file stored on said ad server and served by said ad server in response to content provider server redirection of requests, said altered version including HTML coding to provide said hypertext anchor.

7. The apparatus of claim 6, wherein said altered version further includes coding to display a content provider URL in a browser window of said Internet-enabled web browsing device.

8. The apparatus of claim 1, further comprising means to link to said advertiser web page using a tracking URL.

9. A method for hyperlinking specific words in content to convert the words into advertisements, comprising:

connecting a content provider server to the Internet, said content provider server having content files to be displayed via web browsers;

providing an advertiser web page so as to be accessible over the Internet; and

connecting an ad server to the Internet, wherein the ad server provides a hypertext anchor to convert at least one existing advertiser-chosen word present in a content file into an advertisement by linking an Internet-enabled web browsing device connected to the Internet to said advertiser web page.

10. The method of claim 9, wherein the ad server provides a hypertext anchor to an advertiser-chosen word in said content file by:

searching said content file for an advertiser-chosen word;

altering the HTML of said content file with HTML coding to provide said hypertext anchor to produce an altered version; and

uploading the altered version over said content file on said content provider server.

11. The method of claim 9, wherein the ad server provides a hypertext anchor to an advertiser-chosen word in said content file by supplying a script to be run on said content provider server to overwrite the existing HTML of said content file with altered HTML including coding to provide said hypertext anchor.

12. The method of claim 9, wherein said content file includes coding and the ad server provides a hypertext anchor to an advertiser-chosen word in said content file by determining which words to hyperlink when referenced by said coding in said content file.

13. The method of claim 9, wherein the ad server provides a hypertext anchor to an advertiser-chosen word in said content file by:

downloading said content file;

creating an altered version of said content file including HTML coding to provide said hypertext anchor; and

storing said altered version on said ad server;

wherein said content provider server redirects requests for said content file to said ad server; and

said ad server serves said altered version.

14. The method of claim 13, wherein said ad server employs frames so as to display a content provider URL in a browser window of said Internet-enabled web browsing device.

15. The method of claim 13, wherein said ad server employs coding to display a content provider URL in a browser window of said Internet-enabled web browsing device.

16. The method of claim 9, further comprising linking to said advertiser web page using a tracking URL.

17. A method for advertising by hyperlinking specific words in content to convert the words into advertisements, comprising:

altering the HTML coding of content for an Internet-displayed file to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the content into an advertisement by linking said at least one advertiser-chosen word to an advertiser web page; and

receiving compensation from said advertiser.

18. The method of claim 17, further comprising compensating at least one of a provider of said content of said Internet-displayed file and an entity that selects said hypertext anchor.

19. The method of claim 18, further comprising compensating on a basis selected from the group consisting of flat rate per ad, flat rate per site, impressions, clicks, and conversions.

20. The method of claim 17, further comprising linking to said advertiser web page using a tracking URL.

21. An apparatus for hyperlinking specific words displayed in an application to convert the words into advertisements, comprising:

an Internet-enabled device, including a terminal for connection to the Internet;

an HTTP-enabled software application operating on said device;

a source for text-containing files to be viewed in said software application;

an advertiser file accessible over the Internet; and

an ad server connected to the Internet, wherein the ad server provides means for providing a hypertext anchor to convert at least one existing advertiser chosen word present in said text-containing file into an advertisement by linking said at least one advertiser-chosen word to said advertiser file.

22. The apparatus of claim 21, wherein said means for providing a hypertext anchor to an advertiser-chosen word in said text-containing file is a script to be run on said device to provide said hypertext anchor.

23. The apparatus of claim 21, further comprising means to link to said advertiser file using a tracking URL.

24. A method for hyperlinking specific words in text-containing files to convert the words into advertisements, comprising:

- providing an Internet-enabled device with an HTTP-enabled software application;
- providing said text-containing file to be viewed by said software application;
- providing an advertiser file so as to be accessible over the Internet; and
- connecting an ad server to the Internet, wherein the ad server provides a hypertext anchor to convert at least one existing advertiser-chosen word present in said text-containing file into an advertisement by linking said Internet-enabled device to said advertiser file.

25. The method of claim 24, wherein the ad server provides a hypertext anchor to an advertiser-chosen word in said content file by supplying a script to be run on said device to provide said hypertext anchor.

26. The method of claim 24, further comprising linking to said advertiser file using a tracking URL.

27. A method for advertising by hyperlinking specific words in documents to convert the words into advertisements, comprising:

- viewing a document with a software application;

altering the document file with software to include a hypertext anchor to convert at least one existing advertiser-chosen word present in the document file into an advertisement by linking said at least one advertiser-chosen word to an advertiser document; and
receiving compensation from said advertiser.

28. The method of claim 27, further comprising compensating an entity that selects said hypertext anchor.

29. The method of claim 28, further comprising compensating on a basis selected from the group consisting of flat rate per ad, flat rate per software application, impressions, clicks, and conversions.

30. The method of claim 27, further comprising linking to said advertiser document using a tracking URL.

31. A method of advertising by hyperlinking a specific word in content to convert the word into an advertisement, comprising:

providing a hypertext anchor to turn an advertiser-chosen word in a content file into a hyperlink that links the advertiser-chosen word to an advertiser web page; and
displaying a description of the advertiser web page when a mouse pointer is positioned over the hyperlink.

32. The method of claim 31, further comprising charging the advertiser a fee when the hyperlink is clicked.

IX. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

None.

X. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None.